

TAMMANY USES STOLEN GOODS

FILES NOMINATIONS UNDER THE HEARST LEAGUE.

Holds a convention, apparently without any credentials, and nominates Gaynor, Moore and Galvin as the Independence League candidates.

In spite of the fact that Charles H. Gehring, chairman of the Independence League executive committee, asserted yesterday that he had all the credentials of the league in his possession and looked up and that no convention could be called legally without his consent as chairman of the league, Tammany Hall last night at 11:30 o'clock filed with the Board of Elections the nominations of the Independence League, made at a convention held at 158 Third avenue.

The Tammany candidates, Justice Gaynor, Robert R. Moore and John F. Galvin, were endorsed. The chairman of the convention was given as Thomas J. Regan and the secretary as Francis Dolan. Nominations had to be filed before midnight.

Election Commissioner John T. Dooling, who received the nominations handed in by the Tammany men for the Independence League, said last night that according to section 63 of the election law whenever any individual or political committee calls for a certified copy of the delegates to a convention it must be given him or the committee on the payment of a certain fee.

In this way, he said, the men who had to do with the filing of the endorsements last night had secured a certified copy of the delegates to the Independence League conventions.

Mr. Dooling said he also understood that the delegates chosen at the primaries do not have to wait for the president of the committee to call the convention, but can do so themselves.

It was asserted yesterday by Mr. Gehring that had conventions been called the delegates to them, elected at the primaries, would be without credentials. The old Independence League officers had held of these and when a demand was made for some of them yesterday afternoon Mr. Gehring, chairman of the old county and city committee, who under the law holds over until January 1, refused to give them up.

Mr. Gehring had received the certificates in the regular course of procedure followed by the Board of Elections. The certificates of all those elected at a party primary are delivered to an officer of the central committee of the organization for distribution among the delegates. In this case it turns out the certificates a few days after the primary election were delivered to J. Irving Hanaba, sergeant at arms of the county committee of the Independence League, notwithstanding the fact that Tammany had stolen the league and had its own men elected as league delegates.

Mr. Hanaba wasn't saying where the certificates of election were yesterday. In fact he was quite mysterious when inquiries were made concerning them. Mr. Gehring was quite frank, however, in saying that he had them and that he proposed to hang onto them. Mr. Gehring said that emissaries of Perry Magie, Senator McManus and Charles F. Murphy had called for the certificates of the delegates elected in the districts represented by the leaders.

"I told them," said Mr. Gehring, "that the certificates were in my hands and were to go back to Tammany Hall, where they belonged. Without credentials these delegates cannot hold conventions that would be legal, and anyway the conventions could not be legal unless called by the regular officers. The rules of the organization require that such conventions shall be called by me. James Kerrigan, who belongs in Murphy's district and is a nephew of J. J. Pigot, has been named to succeed me as chairman, but he cannot take office until January 1 under the law. The old organization holds over until then, and there is no way they can hold a convention."

Just why no attempt was made before yesterday to demand the certificates for delegates could not be learned. It was suggested, however, that up until a day or two ago, or until the mass meeting nominated Mr. Hearst, there did not appear to be any reason for Tammany to go ahead and follow its plan for capturing the Hearst conventions and getting the names of its nominees in the Independence League column on the ballot. Hence the delay in seeing that the delegates were equipped with credentials.

Yesterday afternoon men from several of the Tammany district organizations, among them Nagle's, appeared at the Board of Elections and started in a great hurry to copy a roster of the delegates from their districts chosen at the Independence League primaries. It was said that this was to try to hold Independence League Assembly and Aldermanic conventions in these districts to endorse the Tammany nominees and get their names in the old Independence League column on the ballot.

No attempt was made to copy the whole list of delegates to the city, county or borough conventions of the league. That would have been hardly possible at that late hour.

It was said that Mr. Hearst had been watching the situation respecting these conventions very closely and that was one of the reasons why he had waited before announcing his decision until it was too late for Tammany to attempt to call a city convention of his old organization.

The other Tammany men endorsed in the nominations filed last night in the name of the Independence League were John J. Dwyer, for Municipal Court Justice in the Eighth district; William C. Towne for Alderman in the Ninth Aldermanic district; Louis Wendell, Jr., in the Eleventh district; William J. Kennedy in the Twelfth district; Charles Delaney in the Twenty-first; James Conry in the Twenty-third; Joseph D. Cavanagh in the Twenty-fourth; James Owens in the Twenty-fifth; and James H. Keogh in the Thirty-first.

WAR ON THE HOUSE OF LORDS?

NO CONCESSION ON THE BUDGET. SAYS WINSTON CHURCHILL.

Irish Land Bill Just as Important, Says Birrell, Backing Up Redmond's Attack—King, in a New Role as Adviser to His Advisers, Urges Compromise.

Special Cable Dispatch to THE SUN.

LONDON, Oct. 8.—In a speech in London to-day Winston Churchill, President of the Board of Trade, very emphatically asserted that the Government would refuse to make any sort of compromise with the House of Lords in reference to the budget.

"When the bill leaves the House of Commons," he said, "it will leave in its final form, and no amendment by the House of Lords will be entertained. We shall make no overtures to the House of Lords and shall accept no compromise."

Mr. Churchill added that it was not true, as some of the Government's opponents said, that the Government wanted to see the budget rejected, but it did not fear a conflict. If the bill were rejected such a rejection would be a constitutional outrage which he did not believe the House of Lords would commit.

Mr. Churchill in the course of his speech also referred to Ireland, with which country, he declared, the Government would make a national settlement such as had been made in South Africa.

Besides this the assurance of John Redmond, leader of the Irish party in the House of Commons, to the United Irish League that the destruction of the House of Lords would remove the last obstacle to home rule, has been followed by another significant ministerial utterance.

Mr. Birrell, Chief Secretary for Ireland, in a speech at Bristol dealing with the Irish land bill, which he said was undergoing vivisection in the House of Lords, said it was really as important as the budget.

He could not imagine, he added, a method of conducting business so absurd, so idiotic, so productive of disorder and so provocative of crime as that now existing in regard to Irish affairs. The time must come and it could not be long delayed when common sense and business principles would relegate all such purely Irish affairs to Ireland, where alone they could be properly understood.

The idea that King Edward is taking a hand in the controversy over the budget with a view to preventing a constitutional crisis continues to be cruised daily. It has been chiefly put forward by the Radical press. The Times has thundered against the "grave impropriety" of the suggestion and denounced it as political hysteria.

Now, however, the Spectator gives the weight of its considerable authority to a statement representing that the King is advising his advisers. It recalls that formerly the sovereign had certain power of resistance to the advice of his Ministers, but for a century past the advice has been obligatory, and if persisted in has been final.

But with this change has come another change of great importance, says the paper. "The King, entirely freed from responsibility for the Ministers' acts, has taken to advising his advisers at moments of crisis and difficulty and when it is very clear that his advice will be welcome. It is an open secret that such advice was given by the late Queen. She did this throughout the latter part of her reign, and the King has followed her example. Lord Salisbury stated this fact very plainly in his speech on the Queen's death."

"The Ministers are of course not obliged to follow the King's advice, but they know that if they reject it they are rejecting advice that is certain to be sympathetic."

The advice the King is now giving is, according to the Spectator, a recommendation to try to arrange some sort of give and take in reference to the budget. He is of course not undertaking a task so dangerous or impossible as to suggest the terms of an arrangement, but he is inquiring whether or not it is possible for the chiefs on both sides to agree upon some sort of action which will avoid what, notwithstanding their brave words, both sides really desire to avoid—a bitter constitutional struggle.

SOLDIER SHOT FOR BURGLAR.
Householder Finds Him Intoxicated in Dining Room at Night.

BOSTON, Oct. 8.—Private Michael J. Brogan, of the Eighty-third Company, Coast Artillery Corps, located at Fort Revere, Ill., is lying in the post hospital with a serious wound in his body caused by a shot fired by Aaron Mendelsohn, whose summer home at Bayside he had entered about 11 o'clock last night.

The occupants of the cottage, Mr. and Mrs. Mendelsohn and a maid, had retired. About 11 o'clock the girl heard a crash in the lower part of the house, apparently from the kitchen. She aroused Mr. Mendelsohn, who started to investigate. Realizing the risk of going into the unlighted dining room, Mendelsohn asked who was there, but got no reply. He repeated the question several times without getting a response, and then fired one shot.

When the lights were turned on a soldier, who was later identified as Brogan, was found stretched upon the floor, bleeding from the wound inflicted by the shot, which had entered his back and passed straight through him. The man was conscious, but drunk.

Mr. Mendelsohn sent for the Hull police and Dr. William H. Sturge, Dr. Sturge, who arrived first, says Brogan was conscious but in a critical condition. He cannot understand, he says, why the soldier was not killed outright, as the course of the shot was directed through that part of the body where the heart is located.

The men at Fort Revere speak very highly of Brogan and have no idea that he entered the house for any criminal purpose.

Gets \$13,750 for a Leg.
A jury before Supreme Court Justice Goff awarded \$13,750 damages yesterday in a suit brought by Harold R. Schaffner, a fifteen-year-old boy, against the New York, New Haven and Hartford railroad company. He was going from one room to another with a lighted candle in his hand when the flame set fire to the handkerchief. The priest in his excitement tightened the knot instead of loosening it.

PRESBYTERY IS UPHOLD.
Referee Decides That It Had Power to Dissolve Congregation.

M. Linn Bruce, who was appointed referee to determine whether the Presbytery of New York is to have permission to intervene in the application by members of the Westminster Presbyterian Church for permission to sell the church property in West Twenty-third street and move uptown, filed his report yesterday in favor of the Presbytery.

Mr. Bruce decided, however, that while the Presbytery had the right to dissolve the Westminster congregation in March, 1906, following a division of the members, and to install a new church there, known as the West Twenty-third Street Church, it had no authority to dissolve the church corporation. Whether the rebellious members who want to sell the property are to succeed is in the hands of another referee, who has been awaiting Mr. Bruce's decision before proceeding with the case.

British Fleet Is 68 Men Shy.
Officers of the Indefatigable, the only British warship still in port, have asked the police to look up six men enlisted in the ship who are missing. Not all of the men belong to the Indefatigable, but as fast as the police round up the stragglers they will be sent on board.

ABDUL HAMID BREAKS JAIL.

Deposed Sultan Escapes in Workman's Clothes but Is Recaptured.

Special Cable Dispatch to THE SUN.

LONDON, Oct. 8.—The Belgrade correspondent of the Telegraph says that Abdul Hamid, the deposed Sultan of Turkey, has attempted to escape from his villa prison at Salonica.

He had a workman brought in to do certain repairs. He professed to be annoyed at the man's dirty appearance and ordered him to take a bath before he did the work.

While the man was bathing his clothes were taken to Abdul Hamid, who donned them and passed from the garden into the street.

There he was recognized by one of his guards and taken back.

The workman has been arrested as an accomplice of the ex-Sultan.

COACH REACHES NEW LONDON.

Vanderbilt Party Quarters on Ledyard Blair's Yacht for the Night.

NEW LONDON, Oct. 8.—At exactly 6:30 this evening, the time scheduled for the New York coach Pioneer to reach here, she swept down the Parade from Bank street and a dozen men aboard climbed from their perches and were whisked out in launches to Vice-Commodore C. Ledyard Blair's yacht Diana, which came into port from Black Rock two hours in advance of the coaching party which will spend the night on board.

Alfred G. Vanderbilt's yacht Winchester followed the Diana up the harbor and took up an anchorage a few feet north of the vice-commodore's yacht.

A large crowd of sightseers greeted the coaching party upon their arrival and followed them to the public landing, where the launches were waiting.

As they left the central wharf a rollicking song was started by one of them, which was soon caught by all hands, and the chorus was sung with a will.

P. C. Coe's quartet of horses which brought the coach from Lyme to Flanders, and also the horses bringing the vehicle to this city are sheltered at a local stable this evening and with the tallyho, also quartered there, are being viewed by scores of people.

The coach will cross the Thames tomorrow morning in time to allow the party to start from Groton at 10:15 o'clock. Mr. Coe's horses will continue to Mystic, seven miles east and there be relieved by Alfred Vanderbilt's thoroughbreds. The yacht Diana is illuminated with red, white and blue incandescents in honor of the occasion. The Diana will follow the coaching party to Newport to-morrow.

Three other men are expected to join the party to-morrow, one of them being Reginald Vanderbilt.

HALF OF OKLAHOMA INVOLVED.

Suit for Participation in Distribution of Indian Lands and Money.

WASHINGTON, Oct. 8.—Title to nearly half of the State of Oklahoma is involved in an equity suit which is to be argued in the Supreme Court of the United States next week. The title of the case is J. E. Fleming et al., appellants, versus Green McCurtin, Douglas H. Johnson, George Mansfield et al., appellees.

The case comes from the United States Circuit Court for the Eastern district of Oklahoma. The appellants have been represented in the argument by John G. Carlisle and other eminent counsel. The Solicitor-General of the United States will appear on behalf of the Government, making common cause with the appellees.

The bill in equity is filed in behalf of 13,000 persons of Choctaw or Chickasaw Indian blood who are excluded by the Dawes Indian Commission, the Secretary of the Interior or the citizenship court from participating in the distribution of lands in Oklahoma and money belonging to the common tribal funds.

The common fund of the nation through descent. The bill makes sensational charges against the administration of Indian affairs in Oklahoma. The prayer of the appellants is that the work of the Dawes Indian Commission, the Interior Department and the citizenship court be reopened and that an opportunity be given the petitioners to establish their claims for allotment.

PRIEST STRANGELY BURNED.

Candle Set Fire to Saturated Cloth Around His Neck and He May Die.

The Rev. Augustine M. Brady, chaplain of the Home for the Aged of the Little Sisters of the Poor, is in a critical condition in the Newark Private Hospital as a result of an accident which befell him at his home, 30 South North street, Newark, early last Friday.

Father Brady was troubled with a throat affection, and he had around his neck a handkerchief saturated with an alcoholic solution. He was going from one room to another with a lighted candle in his hand when the flame set fire to the handkerchief. The priest in his excitement tightened the knot instead of loosening it.

The brakes did not work and the car went on at increasing speed. Mr. O'Brien guided it safely around a sharp curve and past four other automobiles that were climbing the hill. Near the foot of the hill he turned into a narrow lane and his wife, who stood on the running board waiting an opportunity to jump, was jarred off.

The front wheels passed over her and her arm was broken. She was badly bruised and shaken up.

Dr. Dean Foster of Stamford happened along in his motor car and he made splints out of a pasteboard box and tore his overcoat into strips to bandage the arm. Mr. O'Brien's son James and Mr. and Mrs. William Stafford were the other occupants of the car. Stafford and his boy jumped and escaped injury. Mrs. Stafford and Mr. O'Brien remained in the car and were not hurt.

McManus Estate Goes to Charity.
The will of John McManus, who died at Saratoga on August 25 leaving an estate worth \$100,000, gives the bulk of the property to charitable institutions after the death of his wife. The residuary legatees, who will divide the estate equally, are the Sisters of St. Joseph, the Society of the Little Sisters of the Poor, the Society of St. Vincent de Paul and the Sisters of Mercy. Fifty-first street and Madison avenue.

A number of smaller direct bequests are made to Roman Catholic clergymen and charities.

Steamer HENDERICK HURDON offers best chance to see old Beacon fires to-night. As-

RETURNED TO HIS FIRST WIFE

MAN THREE TIMES MARRIED EAGER TO LOSE HIS THIRD.

So John Cotton Smith Won't Contest Her Suit for Separation—First Wife, Who Had Also Failed in Second Matrimonial Experiment, Takes Him Back.

A matrimonial tangle involving the three marriages of John Cotton Smith, a rubber salesman, who says that he is a direct descendant of John Cotton, came before Supreme Court Justice Bischoff yesterday on the application of counsel for Elise F. Smith, the third wife, to have her action for a separation set down for trial next Wednesday.

It developed at the hearing that Smith is not opposing this action on the ground that the marriage was void in the first place, because the divorce he thought he got from his first wife is fraudulent.

Smith is now living with this first wife, having obtained a valid divorce from wife No. 2 before he married the third. Of these three marriages only one child was born, a boy, 13 years old, the son of the second wife.

Smith was married to his first wife, Lillian Brown of Kansas City, Kan., in 1888. They lived together for three years, but finally separated, and Mrs. Smith went back home.

Smith married the woman in an affidavit that he met on John O. Roon in Philadelphia in 1892, who represented himself as a lawyer, and who said he could get a divorce for Smith whether he had any grounds or not.

Smith says he consented, and that after about a year Roon came into his office and showed what he claimed was a decree of separation, which permitted Smith to marry again. Smith says he learned later that there was no such court or Judge as were named in the decree.

Believing that the decree was valid Smith married Annie Rowe in Brooklyn in 1894, but divorced her several years later. Smith married the woman who is now suing for separation. Smith did not question the validity of the Philadelphia decree until a year ago, when the present action was brought.

Smith's lawyer told him he was still the husband of Lillian Brown Smith, so he wrote out to Kansas to find out what had become of her. He learned that shortly after she had been told that Smith had divorced her she married Lieut. Lorenzo Gordon Russell, U. S. A., who was stationed at a Kansas army post. This marriage was unhappy, and when Lieut. Russell went to the Philippines shortly afterward his wife got a divorce. She was about to be married to a well-to-do real estate man there when she got the news that Smith's divorce from her was fraudulent. She wrote Smith this letter:

DEARIE: I am so glad to hear from you. Cotton, I still believe you love me. Do you? I hope so, for I confess my heart is now with my first and only husband. I am very sorry you had such an unfortunate experience in your matrimonial affairs. I have been quite as bitter. I believe God meant us to meet again and take up our lives where we left off and, as children say, "live happily ever after."

Smith says that he and his first wife are now living together at the St. Paul Hotel. In addition to his defence in the separation suit that he was never the legal husband of the third wife he says she got him to marry her by cajolery and lies, and accuses her of improper relations with a Harry Stevens, former commodore of the Nauticus Yacht Club of Bath Beach, and others.

The Court reserved decision on the application.

NO EULOGY AT HIS FUNERAL.

Bishop Ludden Says His Coffin Shall Be a Black Box With No Glided Nails.

UTICA, Oct. 8.—The Right Rev. Patrick A. Ludden, Catholic Bishop of the diocese of Syracuse, is strongly opposed to ostentatious display at funerals and seldom permits priests in his diocese to deliver eulogies over the biers of departed parishioners. In keeping with his sentiment on this subject Bishop Ludden to-day while delivering brief remarks at the funeral of a relative in the village of Florence said that when he died there would be no eulogy pronounced at his obsequies.

"I have already made provision," he said, "that when I am laid away it shall be in a simple black box in which there shall be no glided nails. Neither will there be any funeral sermon preached, or in truth I would prefer the prayer of an old lady kneeling behind a church pillar to the finest eulogy that might be pronounced by some of my talented friends."

AUTO RUNS AWAY BACKWARD.

Brakes Fail to Hold Machine When Engine Gives Out on Hill.

STAMFORD, Conn., Oct. 8.—The engine of the automobile of William O'Brien of this city got out near the top of a long steep hill three miles south of Danbury yesterday and the car started to back down the hill.

The brakes did not work and the car went on at increasing speed. Mr. O'Brien guided it safely around a sharp curve and past four other automobiles that were climbing the hill. Near the foot of the hill he turned into a narrow lane and his wife, who stood on the running board waiting an opportunity to jump, was jarred off.

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POSES AS BOY FORTHREE YEARS.

Girl Works in Livery Stable and Delivers Ice, but Is Finally Detected.

CLEVELAND, Oct. 8.—After masquerading as a boy for three years, playing boys' games, working in a livery stable, driving a grocer's team and hustling heavy boxes and express packages "Harry Roberts" confessed to the police to being a girl, Lillian Hoffman, stepdaughter of Gottlieb Meiers.

Three years ago the girl, then 17, tired of home, ran away and donned boy's clothes. Since then she has worked in a livery stable cleaning horses, toiled as a helper to a carpenter and delivered ice.

A short time ago she was arrested while in the employ of D. Martin, a grocer. The charge was not serious, but led to an inquiry that disclosed her identity. After her confession her stepfather brought her clothes and she went home. She said she had always wanted to be a boy.

HEARST TO RUN FOR MAYOR

Accepts on Condition That the Fusion Nominees Are on His Ticket.

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William R. Hearst, answering the appeal made to him by the leaders of the old Independence League issued a statement last night in which he said that he would run on an independent ticket if he had behind him the candidates nominated by the fusionists.

Mr. Hearst said that he would not support Justice Gaynor and he added that he could not accept Mr. Bannard, but he added that he would be glad to head a ticket which contained the names of the fusion nominees.

The effect of the attitude taken by Mr. Hearst is that he is making a three-cornered issue between himself, Mr. Bannard and Judge Gaynor.

It was said last night at the headquarters of the Independence League, which has now been changed to the name of the Civic Alliance, that the conditions named by Mr. Hearst would be agreed to and that he would be named for Mayor by petition by the new organization, and that the rest of the ticket would be made up of the names selected by the fusionists.

The statement issued last night by Mr. Hearst said:

"MY FRIENDS: I have decided to accede to your request and to enter this campaign against Tammany Hall upon one condition.

"That condition is that the opposition to Tammany Hall shall be united and not divided.

"If we were to place a straight ticket in the field and the fusion party shall have their ticket in the field and Tammany Hall shall have its ticket in the field the opposition to Tammany Hall would be divided and Tammany's disgraceful ticket might be fastened like a cancerous growth upon the body politic for another four years.

"I know that my personal chances of election would be better on a straight independent ticket. But I am not considering merely my personal chances of election.

"What could I accomplish as Mayor, surrounded by a Tammany Hall administration and hampered in every move by a Tammany Board of Estimate? What could any man accomplish under such conditions?

"I have been able as a private citizen to secure eighty cent gas for the people of this city and to obtain for them a reasonable number of other benefits. I certainly would not desire to occupy the office of Mayor and to assume its arduous duties except for the opportunities that would be afforded me in that powerful position to secure many more such substantial advantages for the citizens.

"I would not consent to be Mayor unless I could carry with me from that office a record of achievement of which I would be proud and of which you would be proud. And I will not consent to run for Mayor except under conditions which will make that record of achievement possible.

"The fusion ticket lately nominated behind Mr. Bannard and in opposition to Tammany Hall is composed mainly of gentlemen who are at once honest, independent and progressive. These gentlemen have for the most part freely and fearlessly expressed their progressive opinions. I make exception of Mr. Bannard because he has to date expressed nothing and declared nothing, either from an unwillingness to talk or from inability to think. I cannot say whether I am a candidate or not, support the rest of the fusion ticket nominated in opposition to Tammany Hall.

"When the Independence League committee withdrew from the fusion ticket it declared that it still stood ready to support a frank and honest expression of progressive principles and candidates, irrespective of party, who can be depended upon and who will be in a position to carry out these principles.

"This is your opportunity to substantiate that declaration.

"Nominate me, if you desire, with the greater part of that fusion ticket behind me and I will run.

"The candidates nominated on the fusion ticket are worthy of support. The ticket is already in the field. If we nominate another ticket both tickets may be defeated. If we nominate the fusion ticket Tammany will be defeated. And if Tammany is defeated the citizens win, no matter whether Mr. Gaynor is elected or not."

HEARST SAYS THAT IF HE RUNS NO MATTER WHO WINS, GAYNOR, BANNARD OR HIMSELF, TAMMANY WILL BE DEPRIVED OF THE CONTROL OF THE BOARD OF ESTIMATE.

He Believes—The Best Way to Accomplish This Is to Take the Fusion Nominees for the Rest of the Ticket—Gaynor's Letter of Acceptance Shows, He Says, That He Is Tied to Tammany.

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GAVE EARTHQUAKE WARNING.

Florence Observatory Displayed Signals Nine Hours Before the Shock.

Special Cable Dispatch to THE SUN.

FLORENCE, Oct. 8.—The observatory here registered an earthquake at 11 o'clock this morning at a distance of 193 kilometers, or about 118 miles.

The quake was predicted at 2:2